

Michelle Labayen 2960
Law Office of Michelle Labayen PC
One Gateway Center
26th Floor
Newark, NJ 07102
973-622-8180
michelle@bankruptcynyc.com
UNITED STATES BANKRUPTCY COURT
NEW JERSEY
TRENTON DISTRICT

hearing date :January 8, 2013
hearing time:10:00 am
opposition by: January 3, 2013

-----x
In Re:

CRYSTAL RAMIREZ

Debtors

Chapter 7
Case No.: 12-34475
Hon Kathryn C. Ferguson

Notice of Motion to redeem
Personal property pursuant to
11. U.S.C Sec. 722

-----x

PLEASE TAKE NOTICE that CRYSTAL RAMIREZ (Debtor), the above named debtor upon the annexed application of their attorney, Michelle Labayen, the undersigned Motion to redeem personal property of a 2003 Mitsubishi Lancer and shall request that the attached Order be entered at which time you may appear if so desired .

PLEASE TAKE FURTHER NOTICE that any opposition to this motion shall be made in writing five days prior to the hearing. Copies of opposition will be sent via US Mail or other reliable mail service to the Law Office of Michelle Labayen PC and must be received before 4:00 pm on January 3, 2013. Opposition will also be sent to the Chambers of the Hon. Kathryn Ferguson and all other relevant parties.

December 6, 2012
Newark, NJ

/s/Michelle Labayen 2960
Law Office of Michelle Labayen
One Gateway Center 26th Floor
Newark, NJ 07102
973-622-8180
michelle@bankruptcynyc.com

Michelle Labayen 6868
Law offices of Michelle Labayen PC
One Gateway Center
26th Floor
Newark, NJ 07102
**UNITED STATES BANKRUPTCY COURT
NEW JERSEY DISTRICT OF TRENTON**

*hearing date January 8, 2013
hearing time: 10:00 am
opposition: January 3, 2013*

IN RE:

CRYSTAL RAMIREZ

Debtor.

Case No.: 12-34475
Hon. Kathryn C Ferguson
Bankruptcy Judge
Attorney's Affirmation

Michelle Labayen, Esq. an attorney admitted to practice law in the State of New Jersey hereby affirms under penalty of perjury as follows:

1. I am an attorney duly admitted to practice in the Federal District Court for New Jersey, and attorney for the Debtor CRYSTAL RAMIREZ (hereinafter the "Debtor") in the above referenced bankruptcy proceeding. I make this affirmation based upon conversations with the Debtor and review of my file.
2. I make this affirmation in support of the Debtor's Motion to Redeem the 2003 Mitsubishi Lancer from PNC Bank N.A.

JURISDICTION

3. This Court has jurisdiction over this proceeding pursuant to 11 U.S.C §§1334 (b) and 157(b)(2)(C).

PROCEDURAL HISTORY

4. On or about October 6, 2012 the Debtor filed for Chapter 7 Bankruptcy Protection.
5. On information and belief, the debtor has always been current on the payment of her car including up to the time of the filing of this Motion.

6. On or about October 15, PNC provided to our office a reaffirmation agreement in regards to the debtor 2003 Mitshubishi Lancer (Exhibit A).
7. The reaffirmation agreement provides a current market value of the car at \$1,494.00 .
8. The Debtor , based on a Kelly Blue Book Value, believes that the car is valued at approximately the same amount as stated by PNC Bank N.A.
9. The Chapter 7 Trustee, Andrea Dobin filed her Report of No Distribution of Assets on November 28, 2012. (ECF 5)
10. Debtor is willing to redeem the vehicle for \$1,494.00 which is the fair market value of the car at the time of the filing. (exhibit B)

DISCUSSION

11. The Debtor make this application pursuant to 11 U.S.C §722 which states in relevant part that :
 - a. *An individual debtor may, whether or not the debtor has waived the right to redeem under this section, redeem tangible personal property intended primary for personal, family or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 544 of this title by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by lien in full at the time of the redemption.*
12. The Bankruptcy Code in relevant part provides in §522(2) that ““value” means fair market value as of the date of the filing of the petition...”
13. The item to be redeemed (2003 Mitsubishi) is tangible personal property intended for personal, family or household use.

14. The interest of the Debtors in such property is exempt under §522 and has been abandoned by the Chapter 7 trustee Andrea Dobin pursuant §544 following her November 28, 2012 report of no distribution.
15. Arrangements have been made by the Debtors to pay the aforesaid amount in lump sum should this motion be granted.

WHEREFORE, The debtor respectfully request this Court to Order Creditor to accept from the Debtors the lump sum payment of the redemption value of the car in the amount of \$1,494.00 and release their lien of record. In the event the said Creditor objects to this Motion, the Debtors request that the Court determines the value of the property as of the time of the hearing on such objection.

Dated: December 6, 2012
Newark, NJ

/s/Michelle Labayen 6868
Attorney for the Debtors
Law Office of Michelle Labayen
One Gateway Center
26th Floor
Newark, NJ 07102

**UNITED STATES BANKRUPTCY COURT
NEW JERSEY
TRENTON VICINAGE**

IN RE:

CRYSTAL RAMIREZ

Debtor.

Case No.:12-34475
Hon. Kathryn C.Ferguson
Bankruptcy Judge
Proposed Order

Upon the application of Michelle Labayen representing the Debtor Crystal Ramirez seeking to redeem her personal property (2003 Mitsubishi) and for the creditors to accept from the Debtor the lump sum payment of the redemption value of the car in the amount of \$1,494.00; and due notice of the aforesaid application having been given to all necessary parties and

WHEREAS; the debtor filed a voluntary chapter 7 case and;

WHEREAS; the valuation of the car is found to be \$1,494.00

WHEREAS; PNC Bank N.A and their counsel and the Trustee received proper notice, and notice was provided to all of the debtors creditors, and after due deliberation;

IT IS HEREBY;

ORDERED that the Debtor can redeem her 2003 Mitsubishi Lancer for \$1,494.00 and PNC Bank N.A will release the lien of records to the debtor upon payment in full.

Dated: December 6, 2012
Newark,NJ

Hon. Kathryn C. Ferguson
United States Bankruptcy Judge

Michelle Labayen 6868
Law offices of Michelle Labayen PC
One Gateway Center
26th Floor
Newark, NJ 07102
UNITED STATES BANKRUPTCY COURT
NEW JERSEY
TRENTON VICINAGE

IN RE:

CRYSTAL RAMIREZ

Debtor.

Case No.: 12-34475
Hon. Kathryn C. Ferguson
Bankruptcy Judge
Certificate of Service

I, Michelle Labayen, I hereby certify that a copy of the Debtors' Motion to Redeem has been sent by depositing a true copy thereof to the below listed parties on December 6, 2012 by US Mail.

United States Bankruptcy Court
402 East State Street
Trenton, NJ 08608
Hon. Kathryn Ferguson
Courtroom 2
Newark, NJ 07102

Andrea Dobin
Chapter 7 Trustee
Sterns & Weinroth
50 West State Street
Suite 1400
Trenton, NJ 08608

PNC Bank N.A
P.O Box 94982
Cleveland, OH 44101

Crystal Ramirez
477 Horizon Drive
Edison, NJ 08817
December 6 2012

/s/ Michelle Labayen 2960
Michelle Labayen

